IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5566 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5072/2007 Dated 21/08/2007
CRLMC.1042/2007 of DISTRICT COURT, THALASSERY
CRIME NO.329/07 OF KANNUR TOWN POLICE STATION

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: PETITIONER/2ND ACCUSED

K.RASHEED, S/O.HAMSA,
AGED 25 YEARS, WORKING AS FISHERMAN,
NIYAL QUARTERS, THAYYIL, KANNUR CITY.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. STATE OF KERALA, REP.BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE STATION HOUSE OFFICER,
KANNUR TOWN POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5566 of 2007

Dated this the 17th day of September, 2007

ORDER

This is the third application for regular bail. The petitioner is the 2nd accused. He along with the co-accused faces allegations under Sec.397 of the IPC. The alleged incident took place on 4/7/07. The accused persons had come on a motor-cycle and had allegedly robbed the de facto complainant and had attacked him. The incident took place on 4/7/07. The two earlier Bail Applications were dismissed by this Court by orders dated 30/7/07 in B.A.No.4611/07 and dated 21/8/07 in B.A.No.5072/07. I had adverted to the facts in detail in the said orders and this order is to be read in continuation of that orders. It is not necessary for me, in these circumstances, to advert to the facts in any greater detail. The miscreants, who were total strangers to the de facto complainant, were identified by the police as the victim had given to the police the details of the vehicle in which the

miscreants had come. They were arrested on 6/7/07. The petitioner continues in custody from that date. Investigation is complete, submits the learned Public Prosecutor.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer on condition that appropriate conditions may be imposed on the petitioner and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays,

Wednesdays and Fridays between 5 p.m. and 7 p.m. for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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